

C.) REMARKS:

1. Introduction

Claims 2-11, 13-17, 19, 36-40, 42 and 44 are currently pending in this application. Claims 2, 10 and 36 are independent. Claims 2, 10, 11 and 36-40 have been amended herein. Claims 1, 12, 18, 20-35, 41, 43 and 45 have been previously cancelled without prejudice. No new subject matter has been added by these amendments.

Applicants gratefully acknowledge the withdrawal of previous objections and rejections of the pending claims under 35 U.S.C. §§102(e) and 112.

2. Claim Rejections Under 35 U.S.C. §103(a)

In the Office Action, the Examiner has rejected each of the pending claims under 35 U.S.C. §103(a) as obvious over Walker in view of U.S. Patent No. 6,269,343 to Pallakoff (hereinafter referred to as "Pallakoff"). Applicants, however, respectfully disagree that Pallakoff or Walker, either alone or in combination, teach or suggest the recitations of the claims as amended.

In particular, each of independent claims 1, 10 and 36 have been amended to recite (in various related forms):

(a) generating a profile for each of a plurality of purchasers based on their purchasing characteristics over a period of time, the profile characteristics including types of items ordered, quantities of items ordered, location and shipping needs.

(b) generating a profile for each of a plurality of sellers based on types of items provided, industry type, payment methods used, order shipment time and credit rating.

(c) providing to each of the plurality of sellers a macro for automatically uploading a catalog of items available for purchase, including a minimum price and a minimum order size of each of the items; providing the minimum price and the minimum order size to the plurality of purchasers prior to a submission of a purchase request.

(d) receiving, from each of a plurality of sellers, a bid for a supply commitment for the identified item, each bid including a plurality of supply prices for the identified item, each supply price corresponding to a quantity of the identified item to be included in an order.

(e) fulfilling said collective procurement order by matching at least one of the identified suppliers to at least one of said plurality of purchasers, based on a comparison of the profile of each purchaser with the with the profile of each identified supplier, and further based on each requested purchase price and received delivery condition compared to the supply commitment received for each identified supplier.

Support for these amendments can be found at the following places in the Applicants' specification:

(a) p. 26, line 14- page 27, line 25.

(b) p. 26, line 14- page 27, line 25.

(c) p. 14, lines 1-9

(d) p. 24, lines 17-19

(e) p. 26, line 14- page 27, line 25.


These recitations are inherent in each of the dependent claims due to their ultimate dependency on one of the independent claims. Neither Walker nor Pallakoff, or a combination of their disclosures, fairly teach or suggest these individual recitations or the claimed subject matter as a whole. Accordingly, reconsideration and withdrawal of this rejection under 35 U.S.C. §103(a) of claims 2-11, 13-17, 19, 36-40, 42 and 44 are respectfully requested.

### 3. Conclusion

This amendment is believed to be responsive to each issue raised in the Office Action dated January 29, 2004. Entry of this amendment is earnestly solicited. Reconsideration and allowance of each of the pending claims is likewise respectfully requested. Please note the new Correspondence Address associated with Customer Number 000041461 as provided in the accompanying Change of Correspondence Address form. The Examiner is invited to contact the undersigned attorney at the telephone number provided below if it will advance the prosecution of this application.

Respectfully submitted,

By:



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